

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:13-cr-0233-SEB-TAB
)	
MICHAEL MCCAULEY,)	
)	
Defendant.)	- 01

REPORT AND RECOMMENDATION

On December 1, 2020, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 23, 2020. Defendant McCauley appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by MaryAnn Mindrum, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant McCauley of his rights and ensured he had a copy of the Petition. Defendant McCauley orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant McCauley admitted to violation number 1. [Docket No. 87.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

**Violation
Number**

Nature of Noncompliance

1

“You shall reside in a residential reentry center for a term of 180 days. You shall abide by the rules and regulations of the facility.”

Mr. McCauley arrived at the RRC directly from the Bureau of Prisons on July 14, 2020. On July 20, 2020, a correctional officer at the RRC found Mr. McCauley acting erratic in the restroom. The offender was making snow angels on the bathroom floor, staggering and swinging at the air, laughing, turning around in circles, falling into the bathroom stalls, and picking up a wet floor sign and swinging it back and forth. At one point, he was unresponsive on the floor for a short period of time. Mr. McCauley was assisted off the unit and taken to the control area where he was asked several times what substance he had used, but he gave no response. It was clear to officers he was under the influence of an unknown substance, and an ambulance was called and he was taken to Eskenazi Hospital. Later that evening RRC staff could not locate Mr. McCauley at Eskenazi or at any other hospitals in the area. He has not returned to RRC, and is on escape status.

4. The Court finds that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant’s criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 7 to 13 months’ imprisonment.

5. The parties jointly recommended a sentence of thirteen (13) months incarceration with no supervised release to follow. The defendant requested placement at an appropriate facility nearest to Indianapolis, Indiana. The defendant also requested placement in a drug treatment program.


The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the Petition, and recommends that Defendant's supervised release be revoked, and that Defendant be

sentenced to the custody of the Attorney General or his designee for a period of thirteen (13) months with no supervised release to follow.

The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge further recommends Defendant's placement at an appropriate facility nearest to Indianapolis, Indiana. The Magistrate Judge further recommends Defendant's placement in a drug treatment program.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties, on the record, waived the fourteen day period to serve and file written objections to this Report and Recommendation with the District Judge.

Dated: 1 DEC 2020



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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